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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/006,997 | 11/30/2001 | Karin Julliard | 9505-284 | 1013 |

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2828

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,997

Applicant(s)

JULLIARD ET AL.

Examiner

Dung (Michael) T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.



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- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Fig.6, reference signs 630 and 650. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 7, 1.23 and 26; the words "embodifment and volumn" are misspelled and on page 9, 1.8; the word "genration" is also misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1-3, 12, 14, 17, 20-21, 24, 28, and 33, the word “substantially” fails to define the element function which renders the claims vague and indefinite.

Furthermore, the term “adaptable to” in claims 12, 14, 17, 24, 28, and 33 does not constitute a limitation in any patentable sense since it has been held that the recitation that an element is “adaptable to” perform a function is not a positive limitation but only requires the ability to so perform. In re Hutchinson, 69 USPQ 138.

With respect to claim 4, the claim 4 fails to define a specific dimension value for the mesh pore.

With respect to claim 19, it is not clear as what the claim recites.

With respect to claim 30, it is not clear as how a laser radiation is absorbed in water.

The remaining claims are dependent on the above rejected claims and therefore are also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-6, 8-9, 11-13, 20-21, 23-25, 27-28, 32-33, and 35 are rejected under 35

U.S.C. 102(b) as being anticipated by Guch, Jr. et al. (USPN 5550851).

With respect to claims 1, 12, 24, 28, and 33, the reference shows in Fig. 1 and 3 a sealed optic housing 40 comprising an enclosure with an interior volume and an interior surface area, a laser medium 42 (optical element), a container 50 or 10 coupled to the housing and including a gas-permeable surface 20 wherein the gas-permeable surface area with a ratio of no less than 0.1 or no less than about 0.3 to a surface of the container, and a sink material 22 disposed within the container (col.2, l.34-67; col.3, l.54-67; and col.4, l.1-7).

With respect to claims 2-4, 6, and 20-21, the reference discloses the gas permeable surface 20 is opaque to optical radiation or light and includes a woven mesh material (Fig.1 and col.2, l.61-65).

With respect to claim 5, the reference discloses the metal material (col.3, l.2-4).

With respect to claims 8, 23, 27, and 32, the reference discloses a silica gel (col.2, l. 48-49 and col.3, l.3-5).

With respect to claim 9, the reference shows in Fig.1 the sink material 22 confined in the sub-container 14.

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With respect to claim 11, the reference shows in Fig. 3 the container 50 is coupled to the enclosure to form a protuberance.

With respect to claims 25 and 35, the reference shows in Fig. 1 and 3 an isolator member 10 for isolating the sink material from the optical power density.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 18, 22, 26, 29, 31, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of the admitted prior art.

With respect to claims 7, 22, 26, and 31, Guch Jr. et al. disclose all limitations of the claim except for the optical element material. The admitted prior art taught the optical element made of BBO (p.1, l.27). For the benefit of an optical element material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. a BBO optical element as taught by the admitted prior art.

With respect to claims 18 and 29, the admitted prior art disclosed the laser system generating ultraviolet radiation (p.1, l.29).

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With respect to claim 10, the admitted prior art disclosed the water vapor (p.4, l.23).

With respect to claims 36 and 37, the admitted prior art disclosed “aerosol and out-gassing” (p.5, l.18).

With respect to claim 38, the admitted prior art disclosed the water (H₂O) trapped in the sink material (p.5, l.13).

Claims 14-15 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al (USPN 5550851) in view of Miller et al. (US Pub. No: 2001/0006610).

With respect to claims 14 and 34, Guch, Jr. et al. show in Fig. 1 and 3 a sealed optic housing 40 comprising an enclosure with an interior volume and an interior surface area, a laser medium 42 (optical element), a container 50 or 10 coupled to the housing and including a gas-permeable surface 20 wherein the gas-permeable surface area with a ratio of no less than 0.1 or no less than about 0.3 to a surface of the container, and a sink material 22 disposed within the container (col.2, l.34-67; col.3, l.54-67; and col.4, l.1-7) except for the container access port. Miller et al. taught the container access port 15 (Fig.1B). For the benefit of an optics housing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. a container access port as taught by Miller et al.

With respect to claim 15, Miller et al. showed in Fig.1B the observation window 15.

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Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Miller et al. (US Pub. No. 2001/0006610) and further in view of McFarland et al. (USPN 6034775). Guch, Jr. et al. and Miller et al. disclose all limitations of the claim except for the spectral filter. McFarland et al. taught a spectral filter (col.4, l. 46). For the benefit of the observation window, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. and Miller et al. a spectral filter as taught by McFarland et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Umezu et al. (USPN 5862163). Guch, Jr. et al. disclose all limitations of the claim except for the laser. Umezu et al. taught a laser 1 (Fig. 1). For the benefit of a laser system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. a laser as taught by Umezu et al.

Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Chen et al. (USPN 5990377). Guch, Jr. et al. disclose all limitations of the claim except for the humidity percentage over a period of time. Chen et al. taught the humidity percentage over a period of time (col.44, l.29-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Guch, Jr. et al. with the humidity percentage over a period of time as taught by Chen et al., since it has held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 FR.2d 272, 205 USPQ 215 (CCPA 1980).

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Citation of The Pertinent References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frantz (USPN 4131442) discloses Pneumatic compactor for particulate desiccant.

Haslett, Jr. (USPN 4770678) discloses Contaminant removal from fluids.


Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-7159. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5511 for regular communications and (703) 306-5511 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Nguyen (Michael) Dung
October 28, 2002


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